

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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JOHN PRIDGEN,

Plaintiff(s),

vs.

JANE DOES, et al.,

Defendant(s).

Case No.: 2:12-cv-01355-APG-VCF

ORDER

Presently before the court is the Report and Recommendation of Magistrate Judge Cam Ferenbach (doc. #2) regarding plaintiff John Pridgen's Motion/Application to Proceed *In Forma Pauperis*. No objection to the Report and Recommendation has been filed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149

1 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. *See United*
3 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
4 employed by the district court when reviewing a report and recommendation to which no
5 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz.
6 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district
7 courts are not required to review "any issue that is not the subject of an objection."). Thus, if
8 there is no objection to a magistrate judge's recommendation, then this court may accept the
9 recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting,
10 without review, a magistrate judge's recommendation to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
13 recommendation and underlying briefs, this court finds that good cause appears to ADOPT the
14 magistrate's findings in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Report and
17 Recommendation of Magistrate Judge Cam Ferenbach (doc. #2) be, and the same hereby is,
18 ADOPTED in its entirety.

19 IT IS FURTHER ORDERED that Plaintiff's Complaint is hereby dismissed without
20 prejudice.

21 IT IS FURTHER ORDERED that plaintiff, if he chooses to do so, shall be permitted
22 to file an amended complaint within thirty-three (33) days from the date the clerk mails to
23 plaintiff this Order dismissing the complaint, or the case will be dismissed *with prejudice*.
24 Plaintiff is advised that under Local Rule LR 15-1 any amended complaint filed must be
25 complete in itself without reference to prior filings. Thus, any allegations, parties, or requests for
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1 relief from prior papers that are not carried forward in the amended complaint no longer will be
2 before the court.

3 DATED April 20, 2013.

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5 **ANDREW P. GORDON**
6 **UNITED STATES DISTRICT JUDGE**